

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

§ Cr. No. 4:21cr 009 GCH

Plaintiff,

§

v.

§

ROBERT T. BROCKMAN,

§

Defendant.

§

§

§

**PARTIES' AGREED MOTION FOR PROTECTIVE ORDER
UNDER FED. R. CRIM. R. 16(d)**

As part of discovery, Defendant has requested production of documents seized in a February 20, 2018 search warrant on the email account of attorney Carlos Kepke executed in the Northern District of California. ("Kepke email search warrant"). Following the execution of this search warrant, the Court in the Northern District of California (18 mj 70204 VKD) ordered and supervised a privilege review of the seized documents, which determined that all but approximately 30 to 35 of the seized documents are either not privileged or subject to an exception to one or more privileges, and can be provided to the government's prosecution team. It is the parties' expectation that the government's prosecution team will receive these emails in 2 to 3 weeks.

The parties have agreed that the government will provide Defendant with copies of the emails and documents from the Kepke email search warrant that it receives pursuant to the

ruling of the Court in the Northern District of California. The Parties have further agreed that the government's prosecution team will not provide Defendant with copies of any emails or documents withheld from the government's prosecution team.

Respectfully submitted this 5th day of May 2021,

DAVID A. HUBBERT
Deputy Assistant Attorney General
Tax Division

s/ Corey J. Smith
COREY J. SMITH
Senior Litigation Counsel
LEE LANGSTON
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Trial Attorneys
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Attorneys for United States of America

Certificate of Service and Conference

I the undersigned do hereby certify that government's counsel conferred with Defendant's counsel who confirmed that they were unopposed to this Motion. On the _____ th day of May, 2021, I electronically filed the foregoing motion and attachments through the ECF system, Under Seal, which provided copies of the foregoing to Defendant's counsel of record.

/s/ *Corey J. Smith*
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